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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR. No. 07-0295 MAG
)	
Plaintiff,)	DECLARATION OF SERGEANT
)	THOMAS HART
v.)	
)	Hearing Date: September 18, 2007
)	Time: 11:00 a.m.
)	Judge: Hon. Elizabeth D. Laporte
NICOLE MAYS,)	
)	
Defendant.)	
)	
)	

I, Thomas Hart, declare as follows

- I am a Sergeant with the United States Park Police and the arresting officer in this case;
- On March 18, 2007, I was on patrol in uniform in a marked police vehicle in the area of Crissy Field East Beach, which is an open field;
- At approximately 1:50 p.m., I observed a Toyota sedan parked west of the Crissy Field restrooms with no front tag displayed;
- I approached the vehicle and noticed all three occupants of the vehicle make eye contact with me;

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5. At the time I approached the car, my car was the only car parked in close proximity to the Toyota sedan and no other officer's vehicles were present;
6. I observed the individual seated in the front passenger seat turn at her waist and bend over to her left and it appeared that this individual was concealing something from my view;
7. I observed a plastic bottle cap filled with water and a red "Bic" style lighter in plain view on the vehicle's front dashboard;
8. The individual in the driver seat, later identified as Nicole Mays ("Mays" or "Defendant") asked me if it was illegal to park on the grass and I said no;
9. I advised Mays that her car was not displaying the front tag;
10. Because of the furtive movements of the front passenger, I asked the front passenger to step out of the vehicle. She complied and I noticed on the seat where the front passenger had been sitting two metal spoons and a small dark substance wrapped in clear plastic;
11. One of the spoons had a thick dark substance affixed to the bottom of the spoon;
12. The dark substance on the spoon and the dark substance in the bag appeared to me to be consistent with "tar" heroin;
13. I asked the individuals who owned the heroin and Mays responded "It's mine";
14. When I ran Defendant's information through the NCIC/CLETS computer database, her information returned active for two outstanding warrants (Warrant #'s WXX-622689 and WXX-SD14921);
15. Mays was placed under arrest for the heroin possession and the warrants;
16. In a search incident to that arrest, Mays was found to be carrying in her purse a clear plastic bag containing a dried green leafy substance which appeared to me to be consistent with marijuana;
17. In a search of the vehicle, a clear plastic bag filled with twenty plastic syringes was found on the front passenger floorboard;
18. Mays was taken into custody and the other two occupants of the vehicle were released;

19. I declare under penalty of perjury that the foregoing is true and correct to the best
of my knowledge and belief. Executed August 22, 2007, at San Francisco,
California.

DATED: 8/22/07

Respectfully submitted,

_____/s/_____
THOMAS HART